

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

TRUSTEES OF THE OPERATING ENGINEERS
LOCAL 324 FRINGE BENEFIT FUNDS,

Plaintiff,

Case No. 07-13789
Hon. Denise Page Hood

SNAPPY HI-TECH INDUSTRIES, INC.,
a Michigan corporation, and M. CHRISTINE
PENDLETON, Individually, jointly and severally,

Defendants.

**ORDER GRANTING AMENDED DEFAULT JUDGMENT WITH AWARD OF COSTS
AND ATTORNEY FEES**

A default having been duly entered on October 18, 2007, against Defendants, Snappy Hi-Tech Industries, Inc. and M. Christine Pendleton, pursuant to Rule 55(a) of the Federal Rules of Civil Procedure; the Court having entered Judgment against Defendants as to liability on December 18, 2007, and further having ordered Defendants to submit their books and records for an audit; and Plaintiff, after completion of the audit, having filed its motion and brief to amend default judgment and for attorney fees and costs; and it appearing to the Court that the Plaintiff is owed fringe benefit contributions for the period February 1, 2006 through March 31, 2008, and the Court having reviewed the Plaintiff's request for attorney fees and costs in accordance with the factors set forth in *Hensley v. Eckerhart*, 461 US 424, 433-434; 103 S Ct 1933; 76 L Ed 2d 40, 50-51 (1983); and the Court being fully advised in the premises; for the reasons stated on the record,

IT IS ORDERED that Plaintiff's Motion to Amend Default Judgment for Damages, Costs and Attorney Fees [**Docket No. 17, filed May 30, 2008**] is GRANTED.

IT IS FURTHER ORDERED that a Judgment is entered in favor of Plaintiff and against Defendants Snappy Hi-Tech Industries, Inc. and M. Christine Pendleton, individually, jointly and severally, in the amount of \$22,395.67, which Judgment is comprised of the following: Delinquent fringe benefit contributions for the period February 1, 2006 through March 31, 2008 of \$20,359.70 plus liquidated damages of \$2,035.97 assessed on the unpaid fringe benefit contributions in accordance with both 29 U.S.C. § 1145 and the collective bargaining agreement.

IT IS FURTHER ORDERED that pursuant to 29 U.S.C. § 1132(g)(2)(D), Plaintiff is awarded attorney fees in the amount of \$8,975.50 and costs in the amount of \$503.00, which awards are expressly included as part of this Judgment.

IT IS FURTHER ORDERED that interest be added to the amount of this Judgment at the rate of 2.58% per annum from the date of the Judgment until same has been satisfied.

S/Denise Page Hood
Denise Page Hood
United States District Judge

Dated: June 27, 2008

I hereby certify that a copy of the foregoing document was served upon counsel of record and M. Christine Pendleton and Snappy Hi-Tech Industries, Inc., 15366 Coyle, Detroit, Michigan 48227 on June 27, 2008, by electronic and/or ordinary mail.

S/William F. Lewis
Case Manager